

REMARKS

This Amendment is filed in response to the Office Action mailed on March 18, 2005. All objections and rejections are respectfully traversed.

Claims 1 – 12 are in the application and currently pending.

Claims 1- 6 have been withdrawn, without prejudice, in response to a restriction requirement.

Claims 7-12 have been rejected.

Claims 7 – 12 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,326,097 issued on December 4, 2001 to Hockaday (“Hockaday”).

The present invention as set out in representative claim 7 comprises in part:

A method of refueling a direct oxidation fuel cell used to power an electrical appliance, the method comprising the steps of:

- A. ***providing a substantially full, user-removable fuel cartridge which is integrated with the appliance, said fuel cartridge coupled to said fuel cell or to a fuel reservoir and conforming substantially to a standardized specification;***
- B. removing said fuel cartridge from said appliance when said fuel cartridge is substantially exhausted or at another time; and
- D. installing a substantially full fuel cartridge in said appliance.

By way of background, Hockaday describes various micro-fuel cell powered devices. The refillable trickle charger is illustrated in Figs. 7A and 7B. In the refillable embodiment, when the fuel is to be refilled, a fuel dispenser 39 that is shown in Fig. 7A is attached to “a refillable port 41, with a built-in valve that opens for refueling...” (Col. 8, Lines 57-58). The filling is accomplished with a needle through a seal.

In sharp contrast, Applicant’s claimed method includes providing a ***user-removable cartridge***. This is more convenient for a user than refilling from a separate dispenser for a number of reasons. For example, a replacement cartridge allows different

fuel types and concentrations to be included in different cartridges and can avoid the possibility of spillage during a refill from Hockaday's fuel dispenser 39.

Applicant respectfully urges that Hockaday does not disclose, teach or suggest *providing a user-removable fuel cartridge ...removing said fuel cartridge from said appliance when said fuel cartridge is substantially exhausted or at another time, and installing a substantially full fuel cartridge in said appliance...* as claimed by Applicant.

Accordingly, Applicant respectfully urges that the Hockaday patent is legally precluded from anticipating the claimed invention under 35 U.S.C. 102 because of the absence from the Hockaday patent of Applicant's claimed steps of *providing a user-removable fuel cartridge ...removing said fuel cartridge from said appliance when said fuel cartridge is substantially exhausted or at another time, and installing a substantially full fuel cartridge in said appliance....*

The Hockaday patent contains none of those steps.

Thus Applicant's independent claim 7 is believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore are in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



Rita M. Rooney
Reg. No. 30,585
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500